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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,343	05/15/2001	Steven Wayne Smith	DP6760 US NA	8850

23906 7590 08/06/2004

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EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/855,343

Applicant(s)

SMITH ET AL.

Examiner

Joseph S. Del Sole

Art Unit

1722

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 26 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 7.

Claim(s) rejected: 1-6, 8-10, 12-14 and 27.


Claim(s) withdrawn from consideration: 15-26.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 2. NOTE: The limitations added to claims 1, 10 and 27, namely "...a tapered body having an angle beta in the range of about 45 degrees to about 170 degrees for smoothly deflecting accumulated quench air from inside the filament array to outside the array..." were not originally claimed and are thus new issues requiring further consideration. Furthermore, the Examiner would like to point out that since the new issues have not been considered, the limitations have not been reviewed for the possibility that they are new matter.

Continuation of 10. Other: The Applicant made certain arguments pertaining to the claims as submitted before new issues were entered. As a courtesy, the Examiner will address those arguments. The Applicant argues that prior art Linz teaches quenching with cooling air outwardly toward the fibers, which is different from the claimed quenching inwardly to the filaments. The Examiner directs the Applicant's attention to the previous rejection and arguments which discusses the combination of Linz with any of Vassilatos, Schilo et al or Knox which shows the obviousness of modifying Linz with inward cooling air. Further the Applicant argues that the prior art does not teach a finish application means adapted to contact an expanded array of polymeric filaments about its periphery. The Examiner disagrees and again directs attention to the previously issued rejections which do show the teachings of the claimed finish application means. Lastly, the Applicant argues that the finish applicators of Stibal and Kyocera are not comprised of materials surface treated to form hard ceramic oxides or nitrides. However, the claim limitation of 5 is merely directed to "a filament contact surface coated with ceramic oxide". As such, both Stibal (teaching a ceramic coating) and Kyocera (teaching an applicator made of ceramic) provide motivation for the invention as claimed.

The Examiner would additionally like to point out that even if the claims did not contain new issues they would not be entered because claim 10 is a non-compliant claim. Claim 10 was submitted with the status identifier "original" but since it contains amendments the proper identifier would be "currently amended".


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1700
8/4/04